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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,006	01/23/2002	Cory L. Factor	32938.1	1220

7590

10/19/2005

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EXAMINER

NGUYEN, PHUOC H

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/053,006	FACTOR, CORY L.	
	Examiner	Art Unit	
	Phuoc H. Nguyen	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. This office action is in response to the amendment filed on July 28, 2005. Previous office action contained claims 1-16. Applicant amended claims 1, 3, 4, 8, 10, and 11. Amendment filed on July 28, 2005 have been entered and made of record. Therefore, pending claims 1-13 are presented for further consideration and examination.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lennon et al. (U.S. 6,516,090).

5. Regarding claim 1, Lennon et al. disclose in Figures 1 and 6 a method for providing content in at least one electronic format to a distributed network (e.g. abstract and Figures 1 and

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5), method comprising: providing the content in the at least one electronic format to a computer (e.g. 100 in Figure 1 or 1000 in Figure 9), capturing the content as an electronic file on the computer (e.g. 908 in Figure 9 or 110 in Figure 1); providing indicia in a separate electronic file for segmenting the electronic file into video segments in an electronic format to the computer (e.g. 110C in Figure 1); associating the identifying indicia with the electronic file (e.g. col. 5 lines 38-49 and col. 7 lines 1-15); using the indicia to convert the file into video segments in a format suitable for distribution over the distributed network (e.g. 120 in Figure 1); and providing the file and associated identifying indicia to a server accessible over the distributed network (e.g. 150 in Figure 1; col. 6 lines 30-34).

6. Regarding claim 2, Lennon et al. further disclose in Figures 1 and 6 the content comprises a live video feed (e.g. 100 in Figure 1).

7. Regarding claim 3, Lennon et al. further disclose in Figures 1 and 6 the identifying indicia comprises metadata including start and stop times and hypertext links (e.g. col. 7 lines 1-15).

8. Regarding claim 4, Lennon et al. further disclose in Figures 1 and 6 the distributed network is the internet and the identifying indicia comprises metadata including start and stop times and hypertext links (e.g. col. 5 lines 56-61).

9. Regarding claim 5, Lennon et al. further disclose in Figures 1 and 6 the content includes a live video feed and at least additional content in at least one additional format from the group including text, audio, or graphics (e.g. 100 in Figure 1; 110A and 110B in Figure 1).

10. Regarding claim 6, Lennon et al. further disclose in Figures 1 and 6 the distributed network is the internet and the identifying indicia comprises metadata including hypertext links (e.g. col. 5 lines 56-61).

11. Regarding claim 7, Lennon et al. further disclose in Figures 1 and 6 the content is a television news broadcast and includes information in video format and at least additional content in at least one additional format from the group including text, audio, or graphics (e.g. 100 in Figure 1; 110A and 110B in Figure 1).

12. Regarding claim 8, it is a program claim of claim 1. Thus, claim 8 is also rejected under the same rationale as cited in the rejection of rejected claim 1.

13. Regarding claim 9, it is a program claim of claim 2. Thus, claim 9 is also rejected under the same rationale as cited in the rejection of rejected claim 2.

14. Regarding claim 10, it is a program claim of claim 3. Thus, claim 10 is also rejected under the same rationale as cited in the rejection of rejected claim 3.

15. Regarding claim 11, it is a program claim of claim 4. Thus, claim 11 is also rejected under the same rationale as cited in the rejection of rejected claim 4.

16. Regarding claim 12, it is a program claim of claim 5. Thus, claim 12 is also rejected under the same rationale as cited in the rejection of rejected claim 5.

17. Regarding claim 13, it is a program claim of claim 6. Thus, claim 13 is also rejected under the same rationale as cited in the rejection of rejected claim 6.

18. Regarding claim 14, it is a program claim of claim 3. Thus, claim 14 is also rejected under the same rationale as cited in the rejection of rejected claim 3.

19. Regarding claim 15, the distributed network is the internet (e.g. col. 5 lines 56-61).

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20. Regarding claim 16, it is a program claim of claim 7. Thus, claim 16 is also rejected under the same rationale as cited in the rejection of rejected claim 7.

### *Conclusion*

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim et al. U.S. Patent No. 5,936,662

Llach-Pinsach et al. U.S. Patent No. 6,842,197

Marconcini et al. U.S. Patent No. 6,834,110

Bookman et al. U.S. Patent No. 6,801,938

Hunter et al. U.S. Patent Pub. No. 2005/0111824

Cook et al. U.S. Patent Pub. No. 2003/0018966

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919.

The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H Nguyen  
Examiner  
Art Unit 2143

October 11, 2005

A handwritten signature in black ink, appearing to read "Wm. C. Vaughn, Jr.", with a large, stylized flourish at the end.

**WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER**